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Written statement* submitted by the United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Record of CERD and the Human Rights Committee on Antisemitism

In early July 2018, one of the most prominent UN human rights officials—Dr. Ahmed Shaheed, the Special Rapporteur on Freedom of Religion—sounded an alarm when he acknowledged that the United Nations human rights system has paid a "scandalous lack of attention" to the worldwide plague of escalating antisemitism. This disturbing conclusion is confirmed by United Nations Watch's new report entitled *The United Nations and Antisemitism: 2008-2017 Report Card*, which carefully reviewed the responses to antisemitism over the past decade by numerous UN agencies, experts and senior officials.[1] Our findings concerning two of the Treaty Bodies' responses to antisemitism—The Human Rights Committee and the Committee on the Elimination of Racial Discrimination (CERD)—are summarized below.

Human Rights Committee

The Human Rights Committee is tasked with reviewing country compliance with the International Covenant on Civil and Political Rights (ICCPR), which prohibits "any advocacy of national, racial or religious hatred," and guarantees freedom of religion. Accordingly, the Committee should be affirmatively monitoring state parties for any antisemitic incitement or violence.

However, an examination of the Committee's concluding observations for selected state parties—notably, Arab and Muslim states where antisemitic incitement is rampant, and states that have witnessed high levels of antisemitic incidents in the last ten years[2]—reveals that antisemitism is of limited concern to the Committee.

In August 2014—at the height of the summer 2014 Hamas-Israel conflict, when antisemitic incidents were at an all-time high—the Committee asked France several pointed questions about increases in violent racist and religious attacks against Muslims, and an increase in prejudice against Islam, but not about antisemitism. This was followed by a general question on what measures France has taken to combat racially and religiously motivated crimes against Jews, Muslims and Roma.[3] Even though France had seen the highest levels of antisemitic violence in the world for several consecutive years, the Committee failed to treat antisemitism as a unique problem deserving of the same kind of special attention as attacks against Muslims.

Similarly, the Committee's 2016 concluding observations for Sweden included only general expressions of concern about racism and violence against certain religious minorities, including Jews.[4] While the report specifically commented about "the chronic negative portrayal of Muslims in the media," it ignored frequent antisemitic remarks by Swedish politicians and media outlets, and failed to address the fact that Swedish Jews avoid wearing identifying Jewish garb or symbols in public out of fear of attacks.

The Committee's recent concluding observations for many other countries which have experienced a rise in antisemitism and antisemitic attacks in recent years—Argentina, Denmark, Greece, the Russian Federation and Venezuela (Bolivarian Republic of)—did not mention antisemitism at all, or only in passing.

Moreover, the Committee's review of countries like Iraq, Islamic Republic of Iran and Jordan ignored the vicious and often state-sponsored antisemitic incitement coming out of the Arab and Muslim world, which have inspired many of the antisemitic attacks around the world in the last ten years. While the Committee has demonstrated that it can address the issue of hate speech in these countries, it has never done so with respect to antisemitic incitement.

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1 See report, "The United Nations and Antisemitism: 2008-2017 Report Card," available at https://www.unwatch.org/report-un-ignored-antisemitism-decade/.

2 Concluding observations for the following State parties were reviewed: Argentina, Denmark, France, Germany, Greece, Hungary, Kuwait, Iran, Iraq, Jordan, Russia, Sweden, Turkey, Ukraine, and Venezuela.

3 CCPR/C/FRA/Q/5, "List of issues in relation to the fifth periodic report of France," *Human Rights Committee*, August 18, 2014.

4 CCPR/C/SWE/CO/7, "Concluding observations on the seventh periodic report of Sweden," *Human Rights Committee*, April 28, 2016.

Committee on the Elimination of Racial Discrimination

CERD is tasked with reviewing country compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which obligates countries to, *inter alia*, protect against racially motivated violence, and eradicate all incitement to racial hatred or discrimination. Accordingly, CERD should be actively monitoring states for incidents of violence and harassment against Jews and for any antisemitic incitement and violence which place Jews, as an ethnic group, at risk. Inexplicably, however, antisemitism is barely mentioned in the Committee's country reviews.

Remarkably, our study of the CERD's concluding observations for numerous countries—including Argentina, Denmark, France, Germany, Greece, Iran, Iraq, Jordan, Kuwait, Lebanon, Morocco, Oman, Qatar, Russia, Sweden, Turkey, the UAE, Ukraine and Venezuela—shows that the Committee rarely mentions Jews or antisemitism, and that when it does, this is usually but a passing reference to Jews, along with other minority groups like Muslims and Roma, without any real discussion of the problem of antisemitism. Despite the alarming rise in violent antisemitism in recent years, CERD's recent concluding observations have devoted much more attention to Islamophobia, or discrimination against Roma, than to antisemitism.

In the case of France, the Committee appeared to be more concerned with criticizing France's National Action Plan against Racism and Anti-Semitism than with the shocking number and severity of attacks against Jewish targets in France. During its April 2015 review by CERD, the French delegation was forced to respond defensively to these concerns, explaining that "[t]here was a need to maintain a special focus on anti-Semitism, because Jews were still being killed in France for being Jews."[5]

Moreover, though antisemitic incitement from the Arab and Muslim world has inspired horrific antisemitic attacks worldwide, and despite the obligation of ICERD signatory states to eradicate incitement to racial hatred, the CERD has addressed hate speech in these countries only when the speech was directed at other groups—not Jews. The CERD has never once addressed the virulent and murderous incitement to antisemitism rampant in Arab and Muslim countries.

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5 "Committee on the Elimination of Racial Discrimination considers report of France," April 29, 2015, available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15904&LangID=E.